

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Bruce Rudd

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

July 25, 2013

8:30 A.M. ROLL CALL

Invocation by Pastor B. T. Lewis II of the Rising Star Missionary Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Caprioglio

Proclamation of “PARKS AND RECREATION MONTH” - PARCS

Presentation of DPU golf tournament check to Fresno Community Food Bank and DPU golf tournament trophy to Fresno Area Express (FAX) – Department of Public Utilities

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of July 18, 2013

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. **Actions pertaining to the environmental, funding and award of a construction contract for the passenger terminal building reroof at Fresno Yosemite International Airport (FYI):**

1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) for the passenger terminal building reroof at Fresno Yosemite International Airport

Action Taken:

2. * **RESOLUTION** – 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$286,000 for the passenger terminal building reroof at Fresno Yosemite International Airport **(Requires 5 affirmative votes)**

Action Taken:

3. Award a construction contract to Grugel Roofing, Inc., dba Yancey Roofing, of Sacramento, California, to reroof the passenger terminal building at Fresno Yosemite International Airport, in the amount of \$325,905

Action Taken:

B. **Actions pertaining to the Alcohol Enforcement Program – Police Department**

1. **RESOLUTION** – Authorizing acceptance of \$100,000 in grant funding from the State of California Department of Alcoholic Beverage Control for the Fresno Police Department's 2013-2014 Grant Assistance Program

Action Taken:

2. * **RESOLUTION** – 1st amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$100,000 for the Police Department's Operations related to the Alcohol Enforcement Program **(Requires 5 affirmative votes)**

Action Taken:

C. **Authorize the renewal of an agreement between the Housing Authority and of the City of Fresno and the City of Fresno through its Police Department for the HUD Capital Funding Grant Program, additional security and protection services for public housing; authorize the Chief of Police to execute the agreement and required program document for the HUD Capital Funding Grant Program – Police Department**

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- D. **RESOLUTION** - Ordering the summary vacation of a portion of San Joaquin Street northeasterly of "L" Street and a portion of "L" Street northwesterly of San Joaquin Street (*Property located in District 3*) – Public Works Department
Action Taken:
- E. **RESOLUTION** - Of intention to annex Final Tract Map No. 6037, Annexation No. 51, to City of Fresno Community Facilities District No. 11, and to authorize the levy of special taxes; and setting the public hearing for September 19, 2013 at 2:00 p.m. (*Property located in District 2*) (North east corner of N. Garfield and W. Barstow Avenues)– Public Works Department
Action Taken:
- F. **RESOLUTION** - Authorizing the filing of applications for San Joaquin Valley Air Pollution Control District Funds and authorizing the execution of documents by the Director of Transportation or designee – Transportation Department
Action Taken:
- G. **RESOLUTION** - Approving the inclusion of a Measure on the June 3, 2014 Fresno County primary ballot to extend the Fresno County Abandoned Vehicle Abatement (AVA) Program for a ten-year period – City Manager's Office
Action Taken:
- H. **RESOLUTION** - Authorizing County of Fresno's Regional Grant Application to CalRecycle for Local Government Household Hazardous Waste Program Funding Assistance (Cycle 21) - Department of Public Utilities/Solid Waste Division
Action Taken:
- I. Actions pertaining to a Cooperative Agreement between Caltrans and the City of Fresno for litter and weed removal services – Department of Public Utilities
1. Adopt a Finding of Categorical Exemption of Class 4, pursuant to Section 15304 (minor alteration in the condition of land) of the California Environmental Quality Act Guidelines
Action Taken:
 2. * **RESOLUTION** - 4th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$150,000 for litter and weed removal services within Caltrans right-of-way within the City of Fresno (*Requires 5 affirmative votes*)
Action Taken:
 3. **RESOLUTION** - Authorizing the provision of litter and weed removal services within Caltrans right-of-way within the City of Fresno
Action Taken:
 4. Approve the Cooperative Agreement in the amount of \$300,000 between Caltrans and the City of Fresno pending final negotiations of the Cooperative Agreement for Litter and Weed Removal Services within Caltrans right-of-way within the City of Fresno and authorize the Director of Public Utilities or his designee to execute agreement on behalf of the City (citywide), subject to City Attorney approval
Action Taken:
- J. Approve an agreement between Grundfos Pumps Manufacturing Corporation and the City of Fresno for special irrigation water service and authorize the Director of Public Utilities, or his designee, to sign the agreement on behalf of the City (*Property located in District 4*) – Department of Public Utilities
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Approve the Fresno Workforce Investment Act Local Strategic Workforce Plan Program Years 2013-2017 – City Manager's Office
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- B. Approve a \$4.5 million HOME Investment Partnerships Program Agreement with Parc Grove Commons Northwest, LP, for construction takeout/permanent financing of the Parc Grove Commons Northwest Apartments, a 148-unit affordable multi-family development located at 2660 E. Clinton Avenue in east central Fresno – Development and Resource Management Department

Action Taken:

- C. Approve a professional consultant agreement with CH2M HILL Engineers, Inc., in the amount of \$625,800 for Phase 1 Program Management Services related to implementation of the Metropolitan Water Resources Management Plan including ongoing Capital Improvement Projects and Operational System Improvements; and authorize the Director of Public Utilities or his designee to sign the agreement on behalf of the City (***Property located Citywide***) – Department of Public Utilities

Action Taken:

3. **CITY COUNCIL**

- A. Recommend that the Fresno City Council approve the engagement of the Council Finance and Audit Committee to review and evaluate the Fresno Convention and Entertainment Center operations and financing. Request City Manager and staff work with Finance and Audit Committee to provide information as requested – Councilmember Brand

Action Taken:

- B. Update on Measure C TOD funding – Councilmember Quintero

Action Taken:

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (d)(1)

1. Catherine Garvey, et al. v. City of Fresno; Fresno County Superior Court Case No. 11 CE CG 02659

Action Taken:

- B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiator(s): Council President Xiong

Unrepresented Employee: City Clerk

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.#1 **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (***Property located in District 1***) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) – Public Works Department

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

- c. **RESOLUTION** – Declaring election results

Action Taken:

- d. * **BILL** – Levying a special tax for the property tax year 2013-2014 and future years with and relating Community Facilities district No. 11, Annexation No. 50

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#2 **HEARING** - To consider the proposed annual assessments for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (**Citywide**) – Public Works Department

Action Taken:

- a. * **RESOLUTION** - Confirming diagram and assessment and levy of annual assessment, 2013-2014, for Landscaping and Lighting Maintenance District No. 1.

Action Taken:

10:30 A.M. * Amend budget to restore funding for all positions eliminated or defunded as a result of the 2013-14 budget cuts; direct staff to return at the next Council meeting with all necessary documents to restore the funding and positions (**Requires 5 affirmative votes**) - Councilmember Quintero [**Continued from 7/19**]

Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug. 1 - **COUNCIL VACATION**
Aug. 8 - **COUNCIL VACATION**

Aug. 15 - **1:30 P.M. MEETING**
Aug. 15 - **1:30 P.M.** Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (**Reception immediately following - 2nd floor foyer**)
Aug. 15 - **2:00 P.M. HEARING** re: Plan Amendment No. A-12-005, Rezone Application No. R-12-007, filed by Chris Kliewer on behalf of Lennar Fresno, Inc.
Aug. 15 - **4:30 P.M. CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (**Property located in District 5**) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue)
Aug. 15 - **5:00 P.M. HEARING** re: Proposition 218 on proposed increase of water utility rates
Aug. 29 - **10:00 A.M. HEARING** re: Text Amendment Application No. TA-13-003 adding uses in commercial recreation District
Aug. 29 - **10:05 A.M. HEARING** re: Text Amendment Application No. TA-13-004 extending time on CUP's
Aug. 29 - **1:30 P.M. HEARING** re: Street name change

Sept. 5 - **COUNCIL VACATION**
Sept. 12 - **COUNCIL VACATION**

Sept. 19 - **1:30 P.M. MEETING**
Sept. 19 - **2:00 P.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 51 (Final Tract Map No. 6037)(Council District 2) (North east corner of N. Garfield and W. Barstow Avenues)
Sept. 19 - **2:15 P.M. HEARING** to adopt resolutions and ordinance to revise the rate and method of apportionment of the Special Tax and authorizing the levy a new Maximum Special Tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 31
Sept. 19 - **2:30 P.M. HEARING** re: Rezone Application No. R-12-009, filed by Ron Wathen

UPCOMING EMPLOYEE CEREMONIES

Oct. 23 – (**Weds.**) **2:00 P.M.** Employee Service Awards Ceremony (**Reception immediately following - 2nd floor foyer**)